

Form for Review/Approval of Awards

Office of the General Counsel, Ethics Division
Department of Health and Human Services

I. Employee Information	Agency Use Only
Applicant's name, title, and agency address (please print)	Date
	Office Telephone Number
	() - Ext.

II. Award Information
Name of the Award and Organization
Date of Award/Event

If the award is offered by a private foundation, check this box ☐ and state your grade and salary:

Identify all cash, stipends, cash equivalents, tangible items, reimbursements, meals, lodging, transportation, entertainment, free attendance, or other benefits to be provided personally to the applicant and/or members of the applicant's family to be received at or in conjunction with the award event. Indicate the market value of the item.

	Applicant	Applicant's Family
<input type="checkbox"/> Plaque, certificate, or trophy of little intrinsic value, and intended for solely for presentation	\$ <u>N/A</u>	\$ <u>N/A</u>
<input type="checkbox"/> Cash/stipend/cash equivalent	\$ _____	\$ _____
<input type="checkbox"/> Award medallion, trophy, sculpture, or other tangible memento of the occasion that has utility and/or artistic merit and a commercial value in excess of \$20.	\$ _____	\$ _____
<input type="checkbox"/> Awards ceremony dinner, reception, and/or entertainment	\$ _____	\$ _____
<input type="checkbox"/> Travel expenses for meals, lodging, and/or transportation provided in-kind or through cost reimbursement	\$ _____	\$ _____
<input type="checkbox"/> Other items or benefits provided. Describe in the space provided below.	\$ _____	\$ _____
	TOTAL \$ _____	\$ _____

Check the statements that apply in the sequence indicated. Append as attachments any documentation supporting the application for approval. Sign and date the form in the space provided.

- The gift(s) described above, that is/are being offered to the employee and/or family members, constitute(s) a bona fide award or is/are incident to bona fide award that is given to the employee for meritorious public service or achievement.
 - ☐ If this is a correct statement, describe in the space provided the citation or other basis for the award, then go to Statement 2.
 - ☐ If this Statement is not correct, the award may not be approved.

Award Citation

2. This award is not being offered by an entity that has interests, or an association or organization the majority of whose members have interests, that may be substantially affected by the performance of the employee's official duties.

☐ If this is a correct statement, go to Statement 3.

☐ If this not correct, the award may not be approved.

3. This award is not a cash award and has a market value of less than or equal \$200.

☐ If this is correct, the award may be accepted without a written determination made by an agency ethics official, provided that Statements 5 and 6 are correct. Skip Statement 4.

☐ If this statement is not correct, go to Statement 4.

4. This award has a market value of more than \$200 or is an award of cash or investment interests.

If this statement is correct, the award may be approved only upon a written determination by an agency ethics official that the award is a part of an established program of recognition under which:

a. ☐ The award has been made on a regular basis or is funded to ensure its continuity.

b. ☐ The award recipients have been chosen pursuant to written guidelines or by a selection committee.

*Check the paragraphs that apply. If **both** paragraphs a and b are correct, go to Statement 5. If neither statement or only one statement is correct, the award may not be approved.*

5. The employee has not solicited the award or accepted the gifts incident thereto in return for being influenced in the performance of an official act.

☐ If this statement is correct, then go to Statement 6.

☐ If this is not correct, then the award may not be approved.

6. The employee has not accepted gifts, including awards, from the same or different sources on a basis so frequent that a reasonable person would be led to believe that the employee is using the employee's official position for private gain.

☐ If this is a correct statement, then the award may be approved.

☐ If this is not correct, the award may not be approved.

Employee/Authorized Representative Signature

Date

III. Official Determination

Based on the following statements and supporting documentation supplied by or on behalf of the applicant, this form constitutes my written determination, pursuant to 5 CFR. §2635.204(d)that:

☐ The award is approved, subject to the following conditions: ☐ None ☐ Conditions (specify)

Specified Conditions (if any)

Agency Ethics Official Signature

Date

IV. Notices

FINANCIAL DISCLOSURE

Awards, including cash, cash equivalents, meals, lodging, transportation, reimbursements, entertainment, free attendance, or other benefits incident thereto, received for the personal use, disposition, or retention by the employee that aggregate \$250 or more must be disclosed by incumbent and termination filers of the SF 278 Public Financial Disclosure Report on Schedule B, Part II of the form.

TAX CONSEQUENCES

Award recipients should consult their personal attorney, accountant, or other financial advisor concerning the treatment of awards and the benefits incident thereto for tax purposes. Ethics officials and government attorneys do not provide tax or other personal financial advice to government employees. Note that, pursuant to section 4941 and 4946 of Title 26 of the U.S. Code, awards and other payments received from private foundations, as defined under Section 509 of the Internal Revenue Code, may be prohibited for Presidential appointees, Schedule C employees, or other individuals compensated at pay levels at or above 120% of the rate of basic pay for Grade 15, Step 1, of the General Schedule, unless the recipients of the award are selected from the general public and consideration is not confined to government employees.

AGENCY GIFT ACCEPTANCE

If approval is obtained in advance, tangible items intended for display at and retention by the Department that are accepted on behalf of the employee's component pursuant to an applicable agency gift acceptance authority statute are not reportable as personal gifts on the SF 278. Because no agency gift acceptance statute applies Department-wide, employees should consult their employing office, ascertain the availability of this option, and comply with applicable procedures. Travel reimbursement authorities contained in Section 1353 of Title 31 of the U.S. Code, as implemented by Part 304-1 of Title 41 of the Code of Federal Regulations, permit the Department to accept where appropriate, travel costs tendered by non-federal sources in connection with the recognition of federal employees for meritorious public service that is related to official duties. Travel funds accepted by the agency, rather than by the individual, are reported on HHS Form 348 and are not reported as personal gifts on the SF 278.

PRIVACY ACT STATEMENT

Section 7301 of Title 5 of the U.S. Code and Executive Order 12674, as implemented by Section 2635.204(d) of Title 5 of the Code of Federal Regulations, authorize the collection of this information. Disclosure of this information is mandatory for employees seeking authorization from an agency ethics official to accept awards, pursuant to Section 2635.204(d)(1)(i & ii) of Title 5 of the Code of Federal Regulations. The primary use of this information is to allow HHS ethics officials to make necessary determinations concerning employee requests to receive awards. Additionally, this information may be used: (1) by the Office of Personnel Management, Merit Systems Protection Board, Office of the Special Counsel, Equal Employment Opportunity Commission, Federal Labor Relations Authority, Federal Service Impasses Panel, Federal Mediation and Conciliation Service, and an arbitrator, in carrying out their functions; (2) by an appropriate federal or foreign agency charged with investigating or prosecuting violations of, or implementing, the law, in the event there is an indication of a violation or potential violation of civil, criminal or regulatory law; (3) by a federal, state, or local agency maintaining enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (4) by a state or local agency charged with investigating or prosecuting violations of, or implementing, the law, in the event there is an indication of a violation or potential violation of civil, criminal or regulatory law; (5) by federal agencies with power to subpoena other federal agencies' records; (6) by private firms with which the Department may contract for the purpose of collating, analyzing, aggregating or otherwise refining records; (7) by a Congressional office, pursuant to an inquiry made at the request of the individual who is a subject of the record; (8) and by the Department of Justice in defense of litigation.

CERTIFICATION

The signature of the employee/authorized representative in Part II of this form certifies that the statements made and information provided on this form are true, complete, and correct to the best of the individual's knowledge. Failure to provide the requested information will result in the denial of the request for approval. Falsification of the information required to be reported for this purpose may subject the employee to disciplinary action by the employing agency or other appropriate authority. Knowing and wilful falsification of information required to be reported may also subject the employee to criminal prosecution.